

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 23-22376-CV-WILLIAMS

THE SMILEY COMPANY SPRL,

Plaintiff,

v.

THE INDIVIDUALS, PARTNERSHIPS AND
UNINCORPORATED ASSOCIATIONS
IDENTIFIED ON SCHEDULE "A,"

Defendants.

SEALED ORDER

THIS MATTER is before the Court on Magistrate Judge Lisette M. Reid's Report and Recommendation ("**Report**") (DE 11) on Plaintiff's *Ex Parte* Motion for Entry of a Temporary Restraining Order (DE 6) ("**Motion**"). In the Report, Judge Reid recommends that the Court grant Plaintiff's Motion. (DE 11 at 1.) No objections were filed to the Report, and the time to do so has passed. Upon a careful review of the Report, the Motion, the record, and applicable law, it is **ORDERED AND ADJUDGED** that:

1. Judge Reid's Report (DE 11) is **AFFIRMED AND ADOPTED** and Plaintiff is required to comply with all recommendations set forth in the Report, including but not limited to:

- A. A Temporary Restraining Order is **ENTERED** against all entities included in Plaintiff's Schedule A as set forth in the Report (DE 11);

- B. Pursuant to 15 U.S.C. § 1116(d)(5)(D) and Federal Rule of Civil Procedure 65(c), Plaintiff must post a bond in the amount of Ten Thousand Dollars and Zero Cents (\$10,000.00), as payment of

damages to which Defendants may be entitled for a wrongful injunction or restraint, during the pendency of this action, or until further Order of the Court. In the Court's discretion, the bond may be subject to increase should an application be made in the interest of justice; and

C. Plaintiff shall post copies of the Complaint (DE 1), Motion (DE 6), Report (DE 11), and this Order, as well as all other documents filed in this action as directed in the report.

2. Pursuant to 28 U.S.C. § 636 and the Magistrate Rules of the Local Rules for the Southern District of Florida, a **HEARING** is set before Judge Reid and the request for preliminary injunction is **REFERRED** to Judge Reid for report and recommendation. The hearing is set before Judge Reid via **videoconference** on **August 14, 2023, at 10:00 a.m. EST**, at which time Defendants and/or any other affected persons may challenge the appropriateness of this Order and move to dissolve the same and at which time the Court will hear argument on Plaintiff's requested preliminary injunction. To access the hearing, all parties shall utilize the following link <https://www.zoomgov.com/j/1609463427?pwd=SU9Tck83dXcyaGlubGZmNW RnZksydz09>, **Meeting ID 160 946 3427**, and **Passcode 967347**; and
3. **Any response or opposition** to Plaintiff's Motion for Preliminary Injunction must be filed and served on Plaintiff's counsel by **August 7, 2023 at 5:00 p.m. EST**, and filed with the Court, along with Proof of Service. Plaintiff shall file any **reply memorandum** by **August 11, 2023 at 12:00 p.m. EST**. The above dates may be revised upon stipulation by all parties and approval of this Court.

Defendants are on notice that failure to appear at the hearing may result in the imposition of a preliminary injunction against them pursuant to 15 U.S.C. § 1116(d), Fed. R. Civ. P. 65, The All Writs Act, 28 U.S.C. § 1651(a), and this Court's inherent authority.

DONE AND ORDERED in Chambers in Miami, Florida, this 31st day of July, 2023.



KATHLEEN M. WILLIAMS
UNITED STATES DISTRICT JUDGE